

# EXHIBIT J

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13 VISTO CORPORATION

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN FRANCISCO DIVISION

17 RESEARCH IN MOTION LIMITED,

18 Plaintiff and Counterdefendant,

19 vs.

20 VISTO CORPORATION,

21 Defendant and Counterclaimant.

22 AND RELATED COUNTERCLAIMS.

Case No.: C-07-3177 (MMC)

**VISTO'S DISCLOSURE OF ASSERTED  
CLAIMS AND INFRINGEMENT  
CONTENTIONS UNDER PATENT LOCAL  
RULE 3-1**

**Confidential – Attorney's Eyes Only materials  
attached hereto as Exhibits A and B**

23 Pursuant to Patent Local Rule 3-1 of the Rules of Practice for Patent Cases before the  
24 Honorable Maxine M. Chesney, United States District Court for the Northern District of  
25 California, Defendant and Counterclaimant Visto Corporation ("Visto") submits the following  
26 Disclosure of Asserted Claims and Preliminary Infringement Contentions relevant to the patents  
27 at issue. This disclosure is based on information available to Visto as of the date hereof, and  
28 Visto reserves the right to amend this disclosure to the full extent consistent with Patent Local  
Rule 3-6 and the Court's Case Management and Docket Control Order dated October 9, 2007  
[See Docket No. 22].

1           **I. Patent Local Rule 3-1(a): Asserted Claims**

2           For purposes of Patent Local Rule 3-1(a) with respect to patents at issue, Visto asserts that  
 3           Plaintiff and Counterdefendant Research In Motion Limited ("RIM") infringes the following  
 4           patent claims directly, contributorily and/or by inducement: claims 1-6 of U.S. Patent 7,225,231  
 5           ("231 Patent"); and claims 1-15 of U.S. Patent 7,228,383 ("383 Patent") (collectively the  
 6           "Asserted Claims").

7           **II. Patent Local Rule 3-1(b): Accused Instrumentality**

8           For purposes of Patent Local Rule 3-1(b) with respect to the patents at issue, Visto asserts  
 9           that each of the Asserted Claims is infringed by RIM's wireless solution, which includes products  
 10          and services that enable access to and/or synchronization of data in secure network environments,  
 11          including but not limited to each version of the "BlackBerry Products," BlackBerry Enterprise  
 12          Servers for Microsoft® Exchange, IBM® Lotus® Domino®, Novell® GroupWise®, and MDS  
 13          Applications, Hosted BlackBerry Enterprise Server, BlackBerry Enterprise Server - Small  
 14          Business Edition, BlackBerry Internet Service, BlackBerry Desktop Software, BlackBerry Mail  
 15          Connector, BlackBerry Desktop Redirector, BlackBerry Web Mail, BlackBerry Router,  
 16          BlackBerry Infrastructure, BlackBerry Relay Servers, BlackBerry Network Operations Centers  
 17          (NOCs), and BlackBerry Smartphones and devices, including BlackBerry Connect and  
 18          BlackBerry Built-In (collectively, the "Accused Instrumentalities"). Unless otherwise noted,  
 19          Visto's Infringement Contentions for the '383 patent apply to each and every version and edition  
 20          of the "Accused Instrumentalities" at least as of June 1, 2001. Also, unless otherwise noted,  
 21          Visto's Infringement Contentions for the '231 patent apply to each and every version and edition  
 22          of the "Accused Instrumentalities" at least as of January 1, 2001. Visto notes that any documents  
 23          or evidence cited in Visto's 3-1(c) claim charts are merely exemplary, and not indicative of the  
 24          particular versions and editions which Visto has accused of infringing. Since the Accused  
 25          Instrumentalities utilize common software modules, interfaces and protocols, the differences  
 26          between the different edition and versions of the BlackBerry products as of the operative accused  
 27          dates (unless otherwise noted) are not material to Visto's infringement allegations.

1 Notwithstanding Visto's Infringement Contentions, Visto does not concede that any BlackBerry  
 2 Product in existence before the filing, priority or invention date of the Visto patents-in-suit is  
 3 prior art to Visto's patents. While discovery is ongoing, Visto may modify or supplement its  
 4 Infringement Contentions based on a review of source code or other documentation provided by  
 5 RIM.

### 6 **III. Patent Local Rule 3-1(c): Claim Charts**

7 Visto's investigation and analysis of the Accused Instrumentalities is based upon  
 8 information made publicly available by RIM and on Visto's own investigations. Visto's  
 9 investigation and analysis is further based upon documents produced and deposition transcripts  
 10 made available from *Visto Corporation v. Research in Motion Limited, and Research in Motion*  
 11 *Corporation*, Case No. 2-06-CV-181, in the United States District Court for the Eastern District  
 12 of Texas before the Honorable T. John Ward. In accordance with Patent Local Rule 2-2, Visto  
 13 has designated the attached claim charts as "Confidential – Attorney's Eyes Only. Consistent  
 14 with Patent Local Rule 3-6, Visto reserves the right to amend and/or supplement this disclosure  
 15 for any of the following reasons, or as ordered by the Court:

16 (i) Visto's positions regarding infringement of specific claims will depend on how  
 17 those claims are construed by the Court. Because claim construction has not yet occurred, Visto  
 18 cannot take a final position on the bases for infringement of the Asserted Claims; and

19 (ii) While Visto's investigation and analysis of RIM's products is based upon  
 20 information made publicly available by RIM and on discovery in *Visto v. RIM*, as discussed  
 21 above, additional discovery from RIM is necessary before Visto can take final positions on the  
 22 bases for infringement of the Asserted Claims. For at least these reasons, Visto reserves the right  
 23 to amend or supplement this disclosure as provided in Patent Local Rule 3-6(a).

24 Appended hereto as Exhibit A, and incorporated herein in its entirety, is a preliminary  
 25 chart identifying specifically where each element of claims 1-6 of the '231 Patent is found in the  
 26 Accused Instrumentalities. Appended hereto as Exhibit B, and incorporated herein in its entirety,  
 27  
 28

1 is a preliminary chart identifying specifically where each element of claims 1-15 of the '383  
2 Patent is found in the Accused Instrumentalities.

3 Unless otherwise indicated, the information provided that corresponds to each claim  
4 element is considered to indicate that each claim element is found within the product, device,  
5 process, method, function or act of the Accused Instrumentalities.

6 **IV. Patent Local Rule 3-1(d): Literal Infringement/Doctrine of Equivalents**

7 For purposes of Patent Local Rule 3-1(d) with respect to the patents at issue, each element  
8 of each Asserted Claim is considered to be literally present and present under the Doctrine of  
9 Equivalents within each of the Accused Instrumentalities. Consistent with Patent Local Rule 3-6,  
10 Visto reserves the right to amend and/or supplement this disclosure for any of the following  
11 reasons, or as ordered by the Court:

12 (i) Visto's positions regarding infringement of specific claims will depend on how  
13 those claims are construed by the Court. Because claim construction has not yet occurred, Visto  
14 cannot take a final position on the bases for infringement of the Asserted Claims; and

15 (ii) While Visto's investigation and analysis of RIM's products is based upon  
16 information made publicly available by RIM and on discovery in *Visto v. RIM*, as discussed  
17 above, additional discovery from RIM is necessary before Visto can take final positions on the  
18 bases for infringement of the Asserted Claims. For at least these reasons, Visto reserves the right  
19 to amend or supplement this disclosure as provided in Patent Local Rule 3-6(a).

20 **V. Patent Local Rule 3-1(e): Priority Dates**

21 Claims 1-6 of the '231 Patent are entitled to a priority date at least as early as July 30,  
22 1997 as a continuation application, and to a priority date at least as early December 13, 1996 as a  
23 continuation in part application. Claims 1-15 of the '383 Patent are entitled to a priority date at  
24 least as early as June 1, 2001.

25 **VI. Patent Local Rule 3-1(f): Identification of Instrumentalities Practicing the**  
26 **Claimed Invention**

27 Each of Visto's wireless messaging and synchronization solutions, Visto Mobile, Visto  
28

1 Mobile Enterprise Server, Visto Mobile Personal Edition, Visto Mobile Access Solution and  
2 Visto MessageXpress, in conjunction with products and services of Visto's allied wireless  
3 operators, device manufacturers, and other affiliates, embody Visto's claimed inventions,  
4 incorporating or reflecting all of the Asserted Claims.

5  
6 Dated: October 19, 2007

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